

PRIVILEGED AND CONFIDENTIAL
ATTORNEY'S WORK PRODUCT

November 23, 1992

MEMORANDUM

Re: Meetings in Caracas Relating to
the ETS Consultants Program

This memorandum summarizes the results of meetings in Caracas with Fini de Otero, Ernesto Antich and Dr. Eduardo Souchon concerning the ETS Consultants Program. The purpose of the meetings was to discuss activities that might be undertaken or sponsored by the tobacco industry during 1993. Unfortunately, neither Dr. Bruno Burger nor the people with whom we have been dealing at Ambioconsult were in Caracas at the time of my visit.

The focus of a portion of our discussions in Caracas was the antismoking legislation that may be considered by the Venezuelan Congress when the Congress reconvenes in February 1993. A copy of the legislation, which includes provisions that would restrict smoking in a variety of places, will be sent to us by Mr. Antich. The legislation already has received one hearing in the Chamber of Deputies. Additional hearings are expected when the Congress reconvenes.

The industry already has mounted a reasonably comprehensive lobbying effort against the Venezuelan antismoking legislation. Although Ms. de Otero and Mr. Antich are reasonably confident of the industry's ability to defeat the

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legislation without further assistance, they agreed to consider over the next several weeks the possibility of asking one of our local consultants to provide additional information on ETS/indoor air to a few members of the Chamber of Deputies. The contacts most likely would be initiated by the members themselves, perhaps with some urging by industry representatives.

Since Dr. Burger already has published an article on ETS, he perhaps would be the most logical of our Venezuelan consultants to provide any assistance that may be needed in connection with the pending antismoking legislation. We agreed though in that connection to explore with all of our Venezuelan consultants at the consultants meeting that has been scheduled for January 28 and 29 in Viña del Mar, Chile, their willingness to respond to inquiries concerning the legislation. We also are to discuss with Dr. Carlos Alvarez of Argentina the possibility of his participating, with one or more of our Venezuelan consultants, in briefing sessions on ETS/indoor air as part of the industry's efforts to defeat the Venezuelan legislation.

Other activities, or possible activities, discussed with Ms. de Otero and Mr. Antich for 1993 included the following:

1. Regional Symposium on ETS/indoor air. Mr. Antich, in particular, believes that the holding during 1993

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of a regional symposium on ETS/indoor air would be of value. We discussed at our meeting the alternatives that might be available to us in that regard, ranging from a large open meeting to which the press might be invited to a much smaller meeting involving only scientists. Ms. de Otero and Mr. Antich agreed to consider this issue further prior to the industry meeting that is scheduled to be held in Miami in January 1993. Mr. Antich also will discuss the pros and cons of such a symposium with his Central and South American BAT colleagues.

2. Monitoring WHO/PAHO Activities in Venezuela.

Ms. de Otero and Mr. Antich asked us to explore prior to the industry meeting in Miami what additional efforts might be made to obtain advance warning of initiatives on ETS planned by WHO/PAHO for the Latin Region. We agreed to discuss this issue with Dr. Alvarez, who may have contacts with PAHO representatives in Buenos Aires, and also to begin making discreet inquiries of PAHO Washington staff members with whom we have had contacts in the past.

3. Other Activities Relating to Venezuelan Anti-smoking Legislation. Ms. de Otero and Mr. Antich have asked us to explore ways of underscoring some of the important negative consequences of smoking restrictions. We agreed in that connection to talk with Hector Richard in Puerto Rico concerning the possibility of Richard's preparing a briefing paper on

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smoker discrimination issues, including the smokers' rights legislation that has been approved in some 26 states in the United States to address such issues. Ms. de Otero and Mr. Antich also will consider the possibility of arranging other briefings, including briefings by restaurateurs and others who have lost business or otherwise suffered because of smoking restriction measures.

Ms. de Otero and Mr. Antich also indicated during our meeting that they may want to take advantage in Venezuela of any trip that may be arranged to Argentina or Chile by a current or former member of the United States Congress. As in Argentina and Chile, the purpose of any such visit would be to (a) raise appropriate questions about the ETS documents that are being prepared at the Environmental Protection Agency in the United States and (b) discuss the negative consequences of smoking restrictions. We agreed to alert Ms. Otero and Mr. Antich promptly if any such visit is arranged to Argentina or Chile.

4. Building Studies. Ms. de Otero and Mr. Antich continue to be interested in the possibility of Ambioconsult's undertaking during 1993 a series of building studies in Caracas, focusing on ETS as well as other constituents of the indoor air. We discussed a number of approaches that might be used for such a study as well as the range of costs that might be involved. We agreed to explore with the Ambioconsult

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representatives who will be attending the consultants meeting in Viña del Mar a variety of building study options that would be available, in anticipation of our providing a full proposal to Ms. de Otero and Mr. Antich in February 1993. We also agreed to explore the availability of EEC funding for Venezuelan indoor air quality studies.

5. Venezuelan Journalist Visit to U.S. We are to provide to Ms. de Otero and Mr. Antich an estimate of the costs that would be incurred by the industry in Venezuela in sending a leading journalist to the United States for a briefing on tobacco issues, including ETS. We also are to give some further thought to the agenda for such a visit -- that is, the individuals who might be asked to participate in the briefing as well as the topics to be covered. Because of the interest expressed in this idea by others, we agreed that the subject of journalist visits to the United States should be considered at the industry meeting that will be held in Miami in January. Mr. Antich indicated in that connection that he would have reservations about such visits if, because of budgetary considerations, they resulted in the industry's being unable to undertake during 1993 other activities that might benefit the Latin Region as a whole.

6. Distribution of McGill Monograph and Other People's Tobacco Smoke. Ms. de Otero and Mr. Antich agreed to review again the plans they previously developed for

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distributing the Spanish-language version of the McGill monograph, which is expected to be available in six to eight weeks. They also will consider whether to support publication of a Spanish-language version of *Other People's Tobacco Smoke*. I noted, in the latter connection, that Dr. Lopez believes that the University of Chile press would be willing to republish *Other People's Tobacco Smoke* for approximately US\$3,000.

7. Burger/Alvarez Cardiovascular Review. As noted in the memorandum on Argentina, Drs. Burger and Alvarez have been collaborating over the past few months on a review article addressing the claims that have been made concerning ETS and cardiovascular disease. The article should be in final form before the end of this year. We have agreed with Drs. Burger and Alvarez that an effort should be made to publish the article in a scientific journal in the United Kingdom. We are to explore with Dr. Burger at the January consultants meeting in Viña del Mar how the article should be distributed and promoted in Venezuela.

8. *International Press Responses*. Like their industry colleagues elsewhere, Ms. de Otero and Mr. Antich support further efforts being made to devise an approach for addressing the problems presented in Central and South America of negative press and wire articles originating outside the Region.

John P. Rupp

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